City Council Workshop

Encroachments

Department of Park and Recreation



July 26, 2016

Overview

Current City Ordinance 9.03.250

Storage of personal property on park property prohibited.

It is unlawful and a public nuisance for any person to store personal property, including camp paraphernalia, in or upon any park property.

Overview continued

- Current Ordinance is not specific regarding encroachments on park property and has proven unenforceable for protection of park land.
 There are currently numerous encroachments on park land throughout the City.
- With the assistance of the Law Department, ordinance amendments have been presented to the Board of Park Commissioners in 2015 and 2016, approved on March 14, 2016.
- First presentation to the City Council occurred June 14, 2016.

Parks Restricted by Federal Funding

The following Parks are <u>NOT ELIGIBLE</u> for Permits for Encroachment due to restrictions of federal funding programs:

Land Water Conservation Fund

Development

Boston Brownthrush

Buffalo Cessna, East and West

Chisholm Creek Evergreen

Harvest Harrison

Kiwanis Linwood, North and South

McAdams McDonald

Orchard Osage

Pawnee Prairie Planeview

Redbarn Riverside

Sim Southview

Stearman Swanson

Sycamore Watson

West Douglas Wichita Skate Park

Housing and Urban

Dr. Glen Dey

Emporia

Evergreen

Murdock

Piatt

Planeview

Spruce









All Items located in Southlakes Park









Entire Shed and portion of Chicken enclosure with a Rooster on Park Property









Burning trash in the park

Firebreak

Swanson Park





South Woodland Park





Resident is using the Park as regular entrance to the backyard of property and for storage/debris.

Chisholm Creek Park



Pipe and wire fence creates a pasture inside Chisholm Creek Park.

The Meadows



The Meadows





Cypress Park



Pawnee Prairie Park





Pawnee Prairie Park



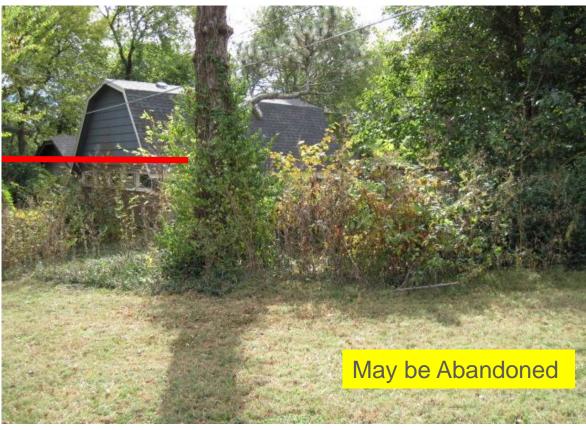
Sunset Park



Several large gardens, wood fence extending into the park and a utility shed on Park property

College Hill Park





Riverside Park





Leon Robinson



The fence line is established by all residents three to four feet into the park. A land survey would be required to determine if there is an error in property boundary markings.

Public Safety



Planting blocks the street-end barrier causing a Traffic Hazard. Trees behind the barrier are in the firebreak.



Planting in right of way blocks traffic sight lines

Unintended Consequences

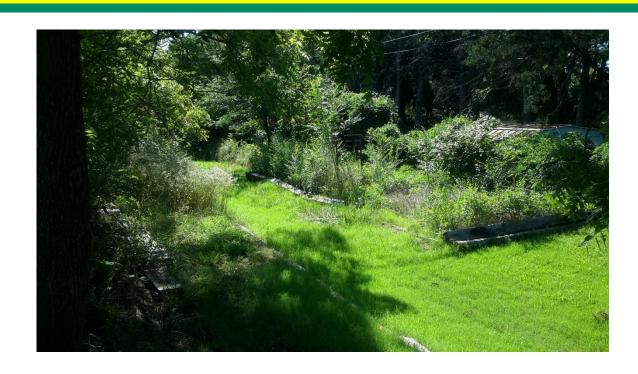
Safety Hazards;

trip, impalement, unsafe items left in park

Diversion of storm water drainage creates flooding on private property

Loss of recreational space





Abandoned Encroachments

Block Fire Breaks

Liability

Soft Encroachments

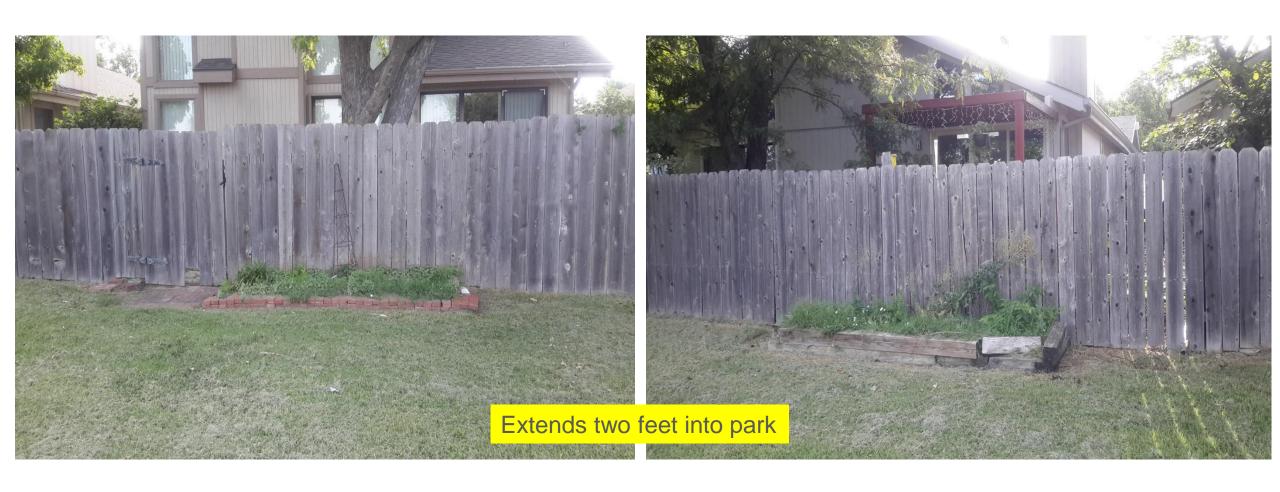


Extends two feet into the park at the fence line and is maintained



The Meadows Sunset Park

Soft Encroachments



Eastview Park

Proposal

- The new ordinance establishes a process for encroachment removal and a permitting process
- The new ordinance provides criminal penalties to enforce encroachment removal
- No permit will be allowed for parks with land restrictions, such as: parks created with Land and Water Conservation funds, Housing and Urban Development- Parks in Cities funds, etc.
- Any encroachments for commercial purposes must be removed

Proposal

- New encroachments will not be eligible
- Permits will only be valid under current ownership
- Existing encroachments may be eligible for a permit and approval process with established guidelines
- This permit would carry an annual fee of \$200, in addition to a one time application and filing charge

Proposal

- The permit holder must acquire general liability insurance and agree to hold harmless the City of Wichita for any issues arising from the encroachment
- To apply for a permit there is a \$25 one time application fee and the applicant must enter into a memorandum of encroachment permit agreement to be filed, for a one time \$50 fee, with Sedgwick County

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